

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

HERMAN LEE WRIGHT, JR., )  
                               )  
Plaintiff,                 )  
                               )  
vs.                         ) Case No. 2:12-cv-00768-IPJ-JEO  
                               )  
ALEX DUDCHOCK, et al., )  
                               )  
Defendants.                 )

**ORDER**

The magistrate judge filed a report and recommendation on December 10, 2012, recommending that plaintiff's Fourteenth Amendment failure to protect and medical care claims against Shelby County, Shelby County Commission, and Shelby County Manager Alex Dudchock be dismissed. (Doc. 14.) The magistrate judge further recommended that plaintiff's Fourteenth Amendment failure to protect and medical care claims against Shelby County Sheriff Chris Curry and Captain Fondren be referred to the magistrate judge for further proceedings. *Id.*

On December 17, 2012, plaintiff filed what appears to be both his response to the magistrate judge's report and recommendation and an amended complaint. (Doc. 15.) Plaintiff states that he does not object to the magistrate judge's recommendation that his Fourteenth Amendment claims against Defendants Shelby County, Shelby County Commission, and Shelby County Manager Alex Dudchock be dismissed. *Id.* Rather, plaintiff only seeks to pursue his Fourteenth Amendment claims against

Defendants Curry and Fondren and sets forth additional factual allegations in support of those claims in the form of an amended complaint. *Id.*

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. It is therefore **ORDERED, ADJUDGED,** and **DECREEED** that plaintiff's Fourteenth Amendment claims against Defendants Shelby County, Shelby County Commission, and Shelby County Manager Alex Dudchock are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that plaintiff's Fourteenth Amendment claims against Defendants Curry and Fondren are **REFERRED** to the magistrate judge for further proceedings. Plaintiff's amended complaint in which he sets forth additional factual allegations in support of his Fourteenth Amendment claims against Defendants Curry and Fondren is also **REFERRED** to the magistrate judge for consideration.

**DATED**, this 8<sup>th</sup> day of January 2013.



---

INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE